

# **OFFICE OF ENFORCEMENT AND COMPLIANCE ASSISTANCE**

**2008 Environmental Assistance Conference**

**October 29, 2008**

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Environmental Quality Control**

# Who are we?

- Office of Enforcement and Compliance Assistance
- Created in 1989
- Located in EQC Administration
- Free, confidential, non-regulatory
- Information Clearinghouse

# Compliance Assistance

# Compliance Assistance

- Activities, tools or technical assistance to help regulated community understand and meet their environmental obligations
- Tools include site visits, fact sheets, workshops and mailings
- Environmental Assistance Conference

# Who are we?

- **Small Business Environmental Assistance Program**
- **Center for Waste Minimization**
- **South Carolina Environmental Excellence Program**

# **SBEAP**

**Small Business  
Environmental  
Assistance Program**

**SC DHEC**



**South Carolina Department of Health and Environmental Control**

# SBEAP

- **HOW AND WHY WAS SBEAP CREATED?**
  - **Section 507 of 1990 Clean Air Act Amendments**
  - **Help relieve burden of complying with Air Quality Regulations for Small Businesses**
  - **Note: Formerly called SBAP**

# SBEAP

- **WHAT MAKES UP A SBEAP?**
  - **Compliance Advisory Panel (CAP)**
    - Consult and advise SBEAP program
  - **Small Business Ombudsman (SBO)**
    - Advocate acting on behalf of small businesses
    - Usually first point of contact
  - **Small Business Environmental Assistance Program**
    - Provide technical assistance

# SBEAP

- **WHAT IS A SMALL BUSINESS?**
  - **Definition under the Act:**
    - **Independently owned and operated**
    - **100 or fewer FTE employees (corporate-wide)**
    - **Not a major source of air emissions**

# SBEAP

- **How do we help you?**
  - **Serve as bridge between regulators and small business**
  - **Help bring small businesses into compliance**
  - **Provide “confidential” on-site review of facility processes**
  - **Inform small business owners of their environmental obligations**

# SBEAP

- Help determine which regulations apply
- Assist with determining if you need permits
  - Calculations
  - No longer complete air quality applications
  - Exemption Requests
- Attend Enforcement Conferences
- Assist with the Recordkeeping & Reporting

# What Types of Businesses Do We Assist?

<b>Aircraft Repairers</b>	<b>Autobody Shops</b>	<b>Concrete Batch Plants</b>
<b>Cotton Gins</b>	<b>Dry Cleaners</b>	<b>Cultured Marble Shops</b>
<b>Foundries</b>	<b>Furniture Manufacturers</b>	<b>Saw Mills</b>
<b>Plating Operations</b>	<b>Printing Shops</b>	<b>Recyclers</b>
<b>Surface Coatings</b>	<b>Smelters</b>	<b>Metal Fab Shops</b>

# Remember...

**A small business is...**

- **Independently owned and operated**
- **100 or fewer FTE employees  
(corporate-wide)**
- **Not a major source of air emissions**



**For more information:**  
**<http://www.scdhec.gov/sbeap>**

**Or Contact:**  
**Phyllis Copeland (803) 896-8982**  
**James Robinson (803) 896-8984**  
**Stacey Washington (803) 896-8985**

**SC SBEAP Hotline (800) 819-9001**

# CWM

## Center for Waste Minimization

# CENTER FOR WASTE MINIMIZATION

- Created in 1990
- Non-regulatory, confidential waste assessments
- P2 Information Clearinghouse
- Compliance Assistance
- Referrals
- Compliance Guides

# CENTER FOR WASTE MINIMIZATION

- **What do we do?**
  - **Technical Assistance**
    - **Waste Assessments**
    - **Compliance Assistance**
  - **South Carolina Environmental Excellence Program (SCEEP)**

# CENTER FOR WASTE MINIMIZATION

- **Waste Assessments**
  - Pollution Prevention (P2)
  - Waste Minimization
  - Tools
    - Index of Waste Minimization Resources
    - P2 Information Clearinghouse – Waste Reduction Resource Center  
[wrrc.p2pays.org](http://wrrc.p2pays.org)

# CENTER FOR WASTE MINIMIZATION

- **Compliance Assistance**
  - Air, Land and Waste, Water
  - Tools
    - A Handy Guide for Environmental Compliance
    - Self - Assessment Surveys
    - Fact Sheets
  - Workshops
  - COMPASS, [www.scdhec.gov/compass](http://www.scdhec.gov/compass)

# CENTER FOR WASTE MINIMIZATION

## Contact Information:

**Christine Steagall, Unit Leader**

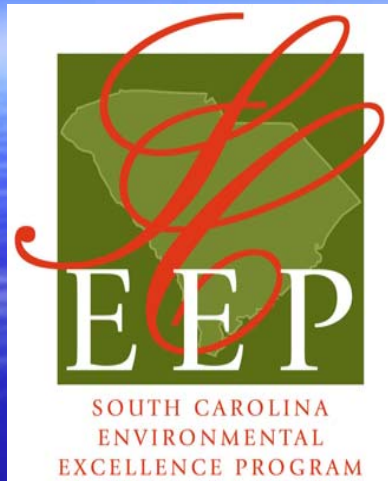
803-896-8986 or [steagac1@dhec.sc.gov](mailto:steagac1@dhec.sc.gov)

**Stacey Washington, Environmental Engineering  
Associate**

803-896-8985 or [washinsv@dhec.sc.gov](mailto:washinsv@dhec.sc.gov)

## Website

[www.scdhec.gov/cwm](http://www.scdhec.gov/cwm)



# SCEEP

## South Carolina Environmental Excellence Program

SC DHEC



South Carolina Department of Health and Environmental Control

# South Carolina Environmental Excellence Program (SCEEP)

- **Purpose**
  - Voluntary program for organizations committed to protecting and preserving South Carolina's environment
- **Goal**
  - To promote and recognize continuous environmental improvement through P2, energy, and resource conservation
- **Eligibility Requirement**
  - A company or facility committed to reducing waste through P2 activities and/or reducing energy or other resource consumption
  - Military installations are eligible to apply as a "facility"

# Benefits of SCEEP

- Public recognition as an environmental leader in the state
- Participation with senior regulatory officials on Environmental Excellence Council
- Opportunities for regulatory flexibility on identified issues
- Networking, information exchange, mentoring, and technical assistance activities

# How can a company become a member of SCEEP?

- 1) Complete an SCEEP Application
- 2) Undergo a Compliance Review for a 3 or 5-year period
- 3) SCEEP Advisory Committee votes based on what the Company/Facility is doing to reduce waste streams, energy or other consumption and the compliance review

# SCEEP Application Process

**Complete one-page application form and statement of commitment, and either:**

- **Section A: Documentation of certification in ISO 14001 and/or membership in a comparable program; or**
- **Section B: Submission of Environmental Excellence Plan signed by corporate officer or plant manager**

**Other information required to be included in Applications:**

- 1) Brief Description of Facility**
- 2) Brief Description of Compliance Record**
- 3) Environmental Excellence Plan that includes 5 criteria listed under §B “Program Requirements” (Section B Applications Only)**

# SCEEP Application Review Process

- SCEEP Advisory Committee reviews applications
- Five year compliance review done by DHEC
- Committee reserves right to request additional information or conduct a site visit
- Membership may be denied if pattern of exceedances, NOVs, fines, etc.
- Membership renewable after three years

# SCEEP Advisory Committee Members

Chairman, Jeff Beacham –  
*USC Institute for Public  
Service and Policy  
Research*

Kristen Beck - *Progress  
Energy*

Myra Carpenter – *Michelin NA*

Ben Gregg – *SC Wildlife  
Federation*

Trish Jerman – *SC Energy  
Office*

Jim Joy – *SCDHEC*

Vacant – *Sustainable  
Universities Initiative*

Bob Perry – *SC Dept. of  
Natural Resources*

John Ramsburg – *The Sierra  
Club of South Carolina*

Chester Sansbury – *League of  
Women Voters of SC*

Susan Vaughn-McPherson –  
*International Paper*

Gary Weinreich – *SC Pulp &  
Paper Association*

Vacant – *Industry Slot*

# SCEEP Members

(Currently 30 Members with 36 Facilities)

- Alcoa- Mt. Holly
- Associated Fuel Pump Systems Corp.
- BMW Manufacturing Corp.
- Bridgestone/Firestone S.C. Company
- Charleston Water Systems
- Circle Environmental
- DAA Draexlmaier Automotive of America, LLC
- Domtar Paper Company
- Eastman Chemical Company
- Fastco Threaded Products, Inc.
- Georgia Pacific Resins, Inc.
- Glen Raven Custom Fabrics, LLC
- INA USA Corporation (5 Facilities)
- Interlake Material Handling Solutions
- International Paper; Eastover and Georgetown Mills
- KEMET Electronics – Simpsonville Plant
- Kimberly-Clarke Corp.
- Lang-Mekra, N.A.
- Lexington Medical Center
- Michelin Lexington Site (2 Plants)
- Michelin Spartanburg Manufacturing
- Progress Energy-Energy Delivery Group
- Sandvik/Valenite
- Santee Cooper Regional Water System-Moncks Corner
- South Carolina Yutaka Technologies, Inc.
- Square D Company: Columbia and Seneca
- US Air Force Base-Charleston
- US Naval Weapons Station-Charleston

# SCEEP Members

which are EPA National Performance Track (NPT)  
Members

- BMW Manufacturing Corp.- Greer
- Bridgestone/Firestone SC Company - Graniteville
- International Paper Facilities; Georgetown and Eastover Mills
- Associated Fuel Pump Systems (AFCO) Corp.
- Charleston Air Force Base
- Georgia-Pacific Resins – Russellville
- Michelin North America – Spartanburg

## NPT Member (Which aren't SCEEP Members)

- Eaton Hydraulics – Greenwood
- Stanley Tools – Cheraw
- Michelin North America – Greenville Manufacturing (US1), Starr (US8), Sandy Springs (US2)



# SCEEP Point of Contact

Christine Steagall, REM  
SCEEP Program Coordinator  
South Carolina Department of Health and Environmental  
Control  
Center for Waste Minimization  
2600 Bull Street  
Columbia, SC 29201  
(803) 896-8986  
Fax (803) 896-8991  
e-mail: [steagac1@dhec.sc.gov](mailto:steagac1@dhec.sc.gov)

# Compliance Assistance on the Web

[www.scdhec.gov/compass](http://www.scdhec.gov/compass)



# Enforcement

# Enforcement

- **Programs within 3 Bureaus**
  - Solid Waste
  - Hazardous Waste
  - Underground Storage Tanks
  - Drinking Water
  - Water Pollution
  - Air Quality

# Enforcement

- EQC Uniform Enforcement Policy
- Bureau Specific Guidelines & Procedures
- Civil Referrals
  - Hold Enforcement Conferences
  - Issue Consent and Administrative Orders
- Criminal referrals go before Criminal Referral Committee
- Voluntary Disclosure

# AUDIT PRIVILEGE AND VOLUNTARY DISCLOSURE

# Background

- Act 384 of 1996 as amended by Act 270 of 2000
- SC Code of Laws §48-57-10 *et seq.*
- ***LEGISLATIVE PURPOSE:*** to encourage the use of internal, voluntary self-audits to improve compliance & provide limited protection from penalties for disclosure of an environmental violation or audit finding

# Audit Privilege & Voluntary Disclosure

**2 legal protections created by the Act:**

- 1. Audit Privilege – protects confidentiality of communications (oral and written) related to voluntary, internal self-audit**
- 2. Immunity from administrative or civil penalties for voluntary disclosure of violations or audit findings to DHEC**

# Voluntary Disclosure

Section 48-57-100(A)

- Protection (immunity) from administrative or civil penalties if person or entity makes “voluntary disclosure” of environmental violations
- Burden of proving that disclosure is “voluntary” rests with person making the disclosure

# Voluntary Disclosure Criteria

Section 48-57-100(B)

- Disclosure is voluntary if :
  1. Disclosure is made within 14 days following reasonable investigation;
  2. To an agency with regulatory authority over the violation disclosed
  3. Action initiated to resolve violation in a diligent manner

# Voluntary Disclosure Criteria

- 4. Person or entity cooperates in investigation of issues identified in the disclosure**
- 5. Person or entity diligently pursues compliance and promptly corrects noncompliance within a reasonable time**

# Voluntary Disclosure Criteria

- Disclosure is NOT voluntary if:
  1. Specific permit conditions require monitoring, sampling records, reports or assessment or management plans
  2. Specific permit conditions, orders or environmental laws require notification of releases to environment

# Voluntary Disclosure Criteria

3. Violation committed intentionally, willfully, or through criminal negligence
4. Violation not corrected in a diligent manner
5. Significant environmental harm or public health threat caused by violation
6. Violation occurred within 1 year of similar prior violation at same facility and immunity was granted for prior violation

# Voluntary Disclosure Criteria

- 7. Violation resulted in substantial economic benefit thus giving violator clear economic advantage over competitor
- 8. Violation is of specific terms of judicial or administrative order
  - Final waiver of penalties/fines not granted until full compliance certified by DHEC as occurring within a reasonable time

# Processing Voluntary Disclosures

- Disclosure received, initial notification made by enforcement staff
- Disclosure reviewed by enforcement staff
- Review Form completed by enforcement staff with preliminary determination made
- Form sent to EQC Administration for review
- Concurrence/non-concurrence made
- Questions/disagreements to Legal Office

# Processing Voluntary Disclosures

- Voluntary Disclosure Criteria Review Form
- Guidance for Processing Voluntary Disclosures
- Copy of statute

Available at <http://www.scdhec.gov/compass>

A-Z Topics, under “V” for Voluntary Disclosure

# Processing Voluntary Disclosures

- Number processed in 2006
  - 26 (total for all bureaus)
- Number processed in 2007
  - 18 (total for all bureaus)
- Number processed currently in 2008
  - 11 (total for all bureaus)
  - Does not include those pending

# Questions?

**For more information about the Office of  
Enforcement and Compliance Assistance,  
contact:**

**Robin Stephens, 803-896-8973**

**or**

**Rebecca Sproles, 803-896-8883**